REMARKS

Claims 1-12 are pending in this application. Claims 1-11 have been amended. Claim 8 has been cancelled. Claim 12 have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of the application is respectfully requested.

Specification Objection

The disclosure has been objected to, based on the alleged non-description of "biocompatible material", which is recited in claims 2 and 8. Claim 8 has been cancelled. Applicants respectfully disagree with the specification discloses and describes materials which are biocompatible. For example:

"The liner can be deployed using other means such as struts or shape memory polymer as well. The device itself can also be formed of shape memory polymer material." (page 5, lines 21-24)

..." Struts 54 are illustratively super elastic alloys, such as nickel titanium (Nitinol), or shape memory polymers, which are connected to liner portion 52." (page 14, lines 6-9)

..."The fabric type material is illustratively a material that is suitable for creating a spun, wound, mesh, weave or braided fabric, such as nylon, polyethylene, polypropylene, polyglycolic acid material, polylactic acid material, etc." (Page 20, line 30 to page 21, line 5)

As can be seen from the quoted passages, the specification discloses and described materials that are known in the art to have biocompatible characteristics. Applicants respectfully request withdrawal of the objection.

Claim rejections – 35 U.S.C. §112

Claims 7-8 and 11 stand rejected under 35 U.S.C. §112 second paragraph. Claim 7 has been amended to depend on claim 2 and, claims 8 and 11 have been cancelled, which is believed to be overcome the rejection raised as a result.

Claim 11 (now cancelled) was a duplicate of claim 10. Although claim 10 was not rejected under 35 U.S.C. §112, Applicants wish to point out that the limitation of claim 10 of "wherein the shape memory polymer" has sufficient antecedent basis since it depends, at least, on claims 9 and 5. Claim 9 recites that the liner portion comprises a shape memory polymer material, and claim 5 recites the liner portion is supported by expandable struts, which are fully supported throughout the written description of the invention. (See page 5, lines 21-24, page 18, line 16 to page 19, line 4, and page 19, line 24 to page 20, line 16)

Claim rejections under 35 U.S.C. §102 (b)

Claims 1, 3-7 and 9-10 stand rejected under 35 U.S.C. §102(b), as being allegedly anticipated by U.S. Patent No. 5,928,260 ("Chin"). In view of the foregoing amendments, Applicants respectfully request reconsideration and withdrawal of this rejection.

Independent claim 1 has been amended to further require *"an elongated delivery member releasably connected to the liner"*. No such *releasably connected* delivery member is disclosed or suggested in Chin. In particular, the neck occlusion device of Chin is configured to be "*placed and held over*" a neck of an aneurysm to inhibit movement of embolic material out of the aneurysm (Col. 2, lines 21-34), and then after the embolic material remains for a period of time in the aneurysm, the neck occlusion device is removed from the blood vessel, along with the delivery mechanism.

The Chin occlusion system is removable (Col. 1 lines 6-8), and intended to be positioned and held over the aneurysm neck for a brief period of time, then removed after an embolic material fills in the aneurysm. The neck occlusion device is not released from the delivery device. (Col 1, lines 6-8, Col 2, lines 26-33, Col 3, lines 8-17, lines 50-52 and 56-58)

For at least this reason, Applicants respectfully submit that independent claim 1, along with claims 3-7 and 9-10, which depend directly or indirectly from claim 1, are not anticipated by Chin, and as such, requests withdrawal of the §102 rejection of these claims.

Claim rejections under 35 U.S.C. §102 (e)

Claims 1, 2-4, 7-9 and 11 stand rejected under 35 U.S.C. §102(e), as being allegedly anticipated by U.S. Patent No. 6,346,117 ("Greenhalgh"). Applicants respectfully traverse this rejection, since Greenhalgh does not disclose each and every element required by these claims, as amended.

Independent claim 1, recites an aneurysm device comprising a liner having an interior defined by the respective distal and proximal portions of the liner, wherein the distal portion is more permeable than the proximal portion, such that the distal portion preferentially permeates embolics from the interior. No such distinction of permeability between the proximal and distal portion of the liner is disclosed or suggested in Greenhalgh.

In particular, Greenhalgh discloses a braided bag for aneurysm treatment, wherein the bag is configured to be formed by a mesh to achieve a porosity of 80% in the whole braided bag (Col 6, lines 39-68, Figs 3-7). Greenhalgh does not disclose or suggest a different braided pattern or mesh that allows more permeability of the distal

portion rather than the proximal portion (Col 9, lines 9-40). Fig. 7 depicts a cut away proximal portion of the braided bag that shows its interior, not a different braided pattern with distinct permeability.

For at least these reasons, Applicants respectfully submit that independent claim 1, along with claims 2-4, 7-9 and 11, which depend directly or indirectly from claim 1, are not anticipated by Greenhalgh, and as such, requests withdrawal of the §102 rejection of these claims.

New Claim

Applicants submit that newly added claim 12 find support in the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons as independent claim 1.

CONCLUSION

For the reasons set forth above, Applicants respectfully submit that the currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

If there are any questions concerning this amendment and response, please contact the undersigned at the number below.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: September 4, 2007 By: /David T. Burse/
David T. Burse
Reg. No. 37,104

Customer Number
41696
PATENT TRADEMARK OFFICE

VISTA IP LAW GROUP LLP
12930 Saratoga Avenue, Suite D-2
Saratoga, CA 95070
Phone (408) 777-2905
Fax (408) 877-1662